

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers Thursday, May 4, 2000, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Halliday, Zermeno
CHAIRPERSON Fish
Absent: COMMISSIONER Williams

Staff Members Present: Anderly, Bauman, Hart, Looney, Patenaude

General Public Present: Approximately 4

PUBLIC COMMENT - There was no public comment.

AGENDA

1. **Tentative Parcel Map 7520 and SPR/VAR 99-130-14 - Florencio Samson (Applicant/Owner)** - Request to Subdivide an 8,551-Square-Foot Parcel into Two Single-Family Parcels for the Purpose of Constructing Two Single-Family Residences; and Request for Variance for Reduced Lot Width - The Property is located at 24979 Pleasant Way in an RSB4 (Single-Family Residential) District in the Jackson Triangle Neighborhood

PUBLIC HEARINGS

1. **Tentative Parcel Map 7520 and SPR/VAR 99-130-14 - Florencio Samson (Applicant/Owner)** - Request to Subdivide an 8,551-Square-Foot Parcel into Two Single-Family Parcels for the Purpose of Constructing Two Single-Family Residences; and Request for Variance for Reduced Lot Width - The Property is located at 24979 Pleasant Way in an RSB4 (Single-Family Residential) District in the Jackson Triangle Neighborhood

Associate Planner Patenaude described the proposal as an In-Fill project, with lot sizes in excess of 4,000 square feet. He said the lot widths are only 47.5 feet, where the standard width is 50 feet. The applicant would rebuild the existing home and build a new home on the second lot. He then showed a design of the proposed house. Staff recommended approval of the project.

Public Hearing opened at 7:36 p.m.

Florencio Samson, 24979 Pleasant Way, applicant, said he had reviewed the Conditions of Approval and found them acceptable.

Commissioner Caveglia asked about the remodel. Mr. Samson responded that he has moved

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various Victorian homes in Alameda in the past. He discussed the difficulty of gaining financing.

The Public Hearing Closed at 7:39 p.m.

Commissioner Halliday asked whether the existing house will be a two-story home and whether it might not be distracting in the middle of a block of one-story homes.

Associate Planner Patenaud responded that they would be two-stories but conditions imposed include approval of materials and frontage. He added that the windows on the second floor would be minimal.

Commissioner Bennett said the project fits into the area and **moved**, seconded by Commissioner Halliday, to approve the project.

Commissioner Bogue asked whether the new foundation would be built to sustain a two-story home rather than the present one-story house that would be moved onto the foundation. He was told that the applicant planned to live in the home while building the new house. Staff would be aware of the needs for constructing a larger building on the site. He added that moving the home was necessary to meet set-back requirements with the change in lot lines.

Commissioner Caveglia expressed concern about the Commission not seeing plans for the remodel.

The motion passed 6:0, with Commissioner Williams absent.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly informed members that the Panjon project, item 1, discussed at the 4/27/00 meeting had been appealed. She also told the Commission that since there was a vote of 3:2 on item 3 of the same meeting, technically no action was taken, so it would be reheard.

4. Commissioners' Announcements, Referrals

Commissioner Caveglia expressed concern about the amount of earth being moved on the Bailey Ranch project.

Commissioner Bennett agreed that the cut and fill does not look the same as what was approved by the Commission for the project.

Deputy Director of Public Works Bauman said they were using the same plans which had been approved. In response to Commissioner Caveglia, he said the material being transported was construction material for the base of the roadway.

Commissioner Bogue described the condition outside the Burlington Coat Factory in the Southland area as being out-of-hand with barrels and junk cluttering up the area.

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COMMISSION, CITY OF HAYWARD,
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ADJOURNMENT

The meeting was adjourned to the Work Session by Chairperson Fish at 7:55 p.m.

8:00 P.M

WORK SESSION ROOM 2-A

2000/2001 – 2004/2005 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

APPROVED:

Barbara Halliday, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

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**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, April 27, 2000, 7:30 P.M.****777 "B" Street, Hayward, CA 94541****MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Acting Chairperson Halliday, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Halliday, Williams, Zermeño

Absent: COMMISSIONER Caveglia
CHAIRPERSON Fish

Staff Members Present: Anderly, Block, Looney, Nakatsu, Patanaude, Payne

General Public Present: Approximately 14

PUBLIC COMMENT - None made

AGENDA

1. **Variance 00-180-09 and Appeal from Site Plan Review 00-130-02 Previously Approved by Planning Director – Paul Lopez of Standard Pacific of Northern California (Applicant/Owner):** Request Site Plan Approval to Construct 11 Single-Family Residences on 2.25 Acres and a Variance for a 5' Side Street Fence Setback for Parcel A where a Minimum of 10 Feet is Required – The Property is on Ruus Road and the Extension of Panjon Street in the Single-Family Residential (RS) District
2. **Variance No. 00-180-03 – Carlos & Rosamaria Faz (Applicant/Owner):** Request to Exceed the Maximum Lot Coverage of 40 Percent (to 41.7 Percent) and to Reduce the Required Side Yard From 7.5 Feet to 6 Feet - The Project Location is 30452 Midlothian Way at Hoylake Street (Fairway Park) in the Single-Family Residential (RS) District
3. **Variance No. 00-180-05 – Arcelina and John Emory (Applicants/Owners):** Request to Construct an Addition to a Dwelling 15 Feet From the Front Property Line Where a Minimum of 20 Feet is Required - The Project Location is 24918 Broadmore Avenue, Easterly Side, Approximately 50 Feet North of Lindhurst Lane (Santa Clara Neighborhood) in the Single-Family Residential (RS) District
4. **Site Plan Review Application No. 00-130-03/Variance Application No. 00-180-07 – Chung Yeh (Applicant/Owner):** Request to Construct Eight Dwellings With Variances to Locate Parking Within the Required 5-Foot Side Yard Setback - The Project Location is on the West Side of Dobbels Avenue, Approximately 110 Feet North of Pappas Place in the Single-Family Residential (RS) District

PUBLIC HEARINGS

- 1. Variance 00-180-09 and Appeal from Site Plan Review 00-130-02 Previously Approved by Planning Director – Paul Lopez of Standard Pacific of Northern California (Applicant/Owner):** Request Site Plan Approval to Construct 11 Single-Family Residences on 2.25 Acres and a Variance for a 5' Side Street Fence Setback for Parcel A where a Minimum of 10 Feet is Required – The Property is on Ruus Road and the Extension of Panjon Street in the Single-Family Residential (RS) District

Associate Planner Block made the presentation and described the project. The homes are modeled after the Twin Bridges home. He described the appeal which was based on privacy concerns, in that the second stories are near one-story homes already in the neighborhood, adequate drainage, improper environmental review, and boundary-line problems. He responded to each of the concerns. Staff recommended denying the appeal, and approving the site plan review as well as the variance. He reviewed the three public comments received.

Commissioner Halliday asked about the need for the variance.

Associate Planner Block explained that the variance is consistent with other fencing on the Panjon Street.

Commissioner Williams asked about the setbacks and the privacy issue, as well as the disruption of long-time neighbors. He suggested the possibility of no windows on that side facing the existing homes since the trees may not be adequate mitigation.

Commissioner Bennett asked about CEQA and the wildlife issue, and whether there would be any significant species or waterways. Staff indicated there were no environmental issues associated with the use of the property that they are aware of.

The public hearing opened at 7:52 p.m.

Glen Moss, 1297 B Street, Attorney for the applicant, explained the problems the appellant had enumerated in her appeal. He listed a number of trees, which could be planted as an alternative to those chosen by staff. He suggested that the developer be required to move the existing wall so that it will be consistent throughout the neighborhood. He then explained the drainage problems that will result from what the developer is proposing. The environmental review question arose because of alleged contamination on the developer's side of the fence. He also agreed with Commissioner Williams that there should be no windows on the neighbor's side of the development.

Commissioner Halliday asked what the contamination of the soil might have been. She was told by the appellant's attorney that it was as a result of spraying on the elementary school grounds. Mrs. Byars, the appellant, said that 20 years ago, she had received a report from Stoner Labs that there was contamination on the site.

Mary Byars, appellant, P.O.Box 337, Mt. Eden, explained that the School District sprayed a

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substance on their property which subsequently killed all of her trees. She added that she was required by the City to build her a wall three feet from the rear property line, and that the 3-foot increase in grade will be a problem for drainage onto her property. She said she would like the developer to relocate her wall at their expense. The wall she now has is three feet from the property line and a drainage problem would be created.

Acting Chairperson Halliday then asked staff to respond to these comments.

Planning Manager Anderly responded that the new development will drain toward the street and toward the rear of the parcels. She indicated that there is no information in City's records to support Mrs. Byars' various contentions. The City does have building permit plans on file for the wall, which appeared to have been started before a building permit was requested.

Paul Lopez, Standard Pacific 3825 Hopyard Road, #195, Pleasanton, said the sale of the property was conditioned by the City with the proposed home designs, so it is too late to change the plans for windows as the plans are already approved. He also addressed the drainage on the property. He added that nothing had been disclosed about contamination and suggested that, with enough time, it may have been washed away. He said they were assured that the property was clean when they purchased it. As to continuing the fence, he indicated that taking down Mrs. Byars' wall would be gratuitous.

Ken Miller, Standard Pacific, 1676 North Calle Boulevard, #200, Walnut Creek, agreed that Standard Pacific had no knowledge of any contamination.

The Public Hearing closed at 8:36 p.m.

Commissioner Bennett said she had listened to the concerns but **moved**, seconded by Commissioner Zermefio, all of the staff recommendations, including denying the appeal.

Commissioner Williams said he still had a few issues with the nature of the administrative approval, and added that he felt Mrs. Byars had a legitimate concern. He noted that he was still concerned regarding her issues of contamination, drainage and privacy.

Commissioner Bogue asked for further information regarding the drainage on the parcel. Planning Manager Anderly indicated that drainage that was accepted by the adjacent property would continue to be accepted.

Acting Chairperson Halliday suggested that staff might still work with the developer on the type of trees planted between the project and the neighbors.

Commissioner Zermefio asked whether any other neighbors had expressed concern to the City.

Associate Planner Block said he had only two comments from neighbors, one being concerned

about privacy and one with general questions.

Commissioner Bogue asked whether the contamination could be a basis for appeal.

Assistant City Attorney Nakatsu said the City records of the property have no indication that there is contamination.

The motion **carried** by the following vote:

AYES: COMMISSIONERS Bennett, Bogue, Halliday,
Zermeno

NOES: COMMISSIONERS Williams

ABSENT: COMMISSIONER Caveglia
CHAIRPERSON Fish

ABSTAIN: None

2. **Variance No. 00-180-03 – Carlos & Rosamaria Faz (Applicant/Owner):** Request to Exceed the Maximum Lot Coverage of 40 Percent (to 41.7 Percent) and to Reduce the Required Side Yard From 7.5 Feet to 6 Feet - The Project Location is 30452 Midlothian Way at Hoylake Street (Fairway Park) in the Single-Family Residential (RS) District

Associate Planner Patenaud described the neighborhood and the property layout. He indicated that by changing the footprint of the house to exceed the maximum lot coverage, approval of the variance might be precedent setting.

The Public Hearing Opened at 8:57 p.m.

Carlos Faz, 30452 Midlothian Way, read from a letter he sent to the Staff appealing the variance. He said since it is a corner lot it needs special treatment.

The Public Hearing Closed at 9:03 p.m.

Commissioner Bogue **moved**, seconded by Commissioner Zermeno, to approve the variance with the condition that the entry way be part of the plan in order to balance the size of the addition. He also suggested they should develop a landscaping plan. He based his motion on findings for approval.

Commissioner Zermeno added that this addition would improve the homes in that area.

Commissioner Bennett expressed concern that, if approved, 21 separate properties could apply for a similar variance. As a result, she said she would not support the motion.

Acting Chairperson Halliday said although this might set a precedent, each application is considered individually and then decided on its own merit.

Assistant City Attorney Nakatsu concurred and added that each application would be reviewed



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based on the facts and finding per application.

Acting Chairperson Halliday continued that since they have been approving larger and larger houses on smaller lots, the Commission may have to look at some of the older neighborhoods and reconsider this issue. Older neighborhoods may begin to deteriorate without acknowledging the need for occasional facelifts.

Commissioner Williams agreed that the Commission may want to look at this issue at an upcoming session.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Halliday, Williams, Zermeño
NOES:	COMMISSIONERS Bennett
ABSENT:	CHAIRPERSON Fish COMMISSIONERS Caveglia
ABSTAIN:	None

3. **Variance No. 00-180-05 – Arcelina and John Emory (Applicants/Owners):** Request to Construct an Addition to a Dwelling 15 Feet From the Front Property Line Where a Minimum of 20 Feet is Required - The Project Location is 24918 Broadmore Avenue, Easterly Side, Approximately 50 Feet North of Lindhurst Lane (Santa Clara Neighborhood) in the Single-Family Residential (RS) District

Planning Manager Anderly introduced the project which is an add-on to the kitchen. She indicated that exceptions have been allowed in the past. She then showed and described various houses in the neighborhood. She indicated that the variance would need to cite special circumstances.

Public Hearing opened at 9:33 p.m.

John Emory, 24918 Broadmore Avenue, applicant, said they have a very small kitchen with a very large family. He said that since they have to fix the earthquake damage on the front of the house, they were hoping to enlarge the kitchen at the same time. He said the small cubby hole in the front of the house is a nuisance which this would solve.

Public Hearing closed at 9:37 p.m.

Commissioner Zermeño suggested that since they have a variety of setbacks in the neighborhood, he would **move**, seconded by Commissioner Williams, to approve the variance, adding that it is a natural improvement to the home. It makes sense to tie it to the earthquake damage.

Commissioner Bogue said he would not support the motion since it is entirely different from other houses on the block. It was the added on porch, which created the small cubby hole in the front.

Commissioner Bennett said this would have an insignificant impact on the neighborhood so this would not meet findings for an exception.

Acting Chairperson Halliday said this is a difficult issue since this would really change the look of the house, the street and the neighborhood. She said she would oppose the motion.

The motion **failed** by the following vote:

AYES:	COMMISSIONERS Bennett, Williams, Zermeno
NOES:	COMMISSIONERS Bogue, Halliday
ABSENT:	COMMISSIONER Caveglia CHAIRPERSON Fish
ABSTAIN:	None

After a 5-minute recess Assistant City Attorney Nakatsu reported that under the City Charter, Article IX, Section 904, the majority of the whole board (4 votes) is necessary to pass or fail an item.

4. **Site Plan Review Application No. 00-130-03/Variance Application No. 00-180-07 – Chung Yeh (Applicant/Owner):** Request to Construct Eight Dwellings With Variances to Locate Parking Within the Required 5-Foot Side Yard Setback - The Project Location is on the West Side of Dobbel Avenue, Approximately 110 Feet North of Pappas Place in the Single-Family Residential (RS) District

Planning Manager Anderly described the project as adhering to the Hillside Guidelines which encourages sharing driveways. She then responded to questions. In response to concerns about the space between homes, she indicated that there would be landscaping between the homes which would preclude use of that space for storage or parking.

The Public Hearing opened at 10:10 p.m.

Bill Poon, architect for the project, described the landscaping between the houses. He added that it would be difficult for anyone to provide the amenity of paving for a parking area given the slope of the properties. He indicated that the Hillside Guidelines were used to develop the design of the driveways and the grading of the area.

Terry and Maryanne Rogers, 27722 Dobbel Avenue, said they live directly across from the project and questioned the number of cars per unit. They asked whether any traffic measures would be instituted, specifically stop signs and speed bumps.

Planning Manager Anderly indicated that the traffic that would be generated by the project would not, by itself create the need for additional traffic calming measures. She suggested that Mr. and Mrs. Rogers contact the Traffic Engineering Division.

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The Public Hearing closed at 10:18 p.m.

Commissioner Bennett said the project was positive for the area. She **moved**, seconded by Commissioner Bogue, to approve the project. The motion **passed unanimously**, with Commissioners Fish and Caveglia absent.

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters -

Planning Manager Anderly announced there will be a brief meeting on May 4, followed by a work session

6. Commissioners' Announcements, Referrals

Commissioner Halliday thanked staff for the very informative tour.

MINUTES

- March 9, 2000 - Approved
- March 23, 2000 - Approved

ADJOURNMENT

The meeting was adjourned by Acting Chairperson Halliday at 10:23 p.m.

APPROVED:

Barbara Halliday, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

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